



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/231,745	01/15/99	D' AGOSTINO	J 1.706.98

MALLOY & MALLOY
2800 SW THIRD AVENUE
HISTORIC CORAL WAY
MIAMI FL 33129

TM32/1024

EXAMINER

TESFAMARIAM, M

ART UNIT

PAPER NUMBER

2162

DATE MAILED: 10/24/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/231,745

Applicant(s)
John D' Agostino

Examiner
Mussie Tesfamariam

Group Art Unit
2764



☒ Responsive to communication(s) filed on Aug 7, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-10, 12-15, and 17-19 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-10, 15, 18, and 19 is/are rejected.

☒ Claim(s) 12-14 and 17 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2764

DETAILED ACTION

Drawings

1. The drawings are objected to because of the reasons set forth on the PTO-948 form enclosed. Correction is required.
2. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-10, 15, 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Elgamal, 5671279.

As per claim 1, Elgamal discloses in contacting a custodial authorizing entity having custodial responsibility of account of a customer's credit card account. See the abstract, fig 1, fig 2, col 1,

Art Unit: 2764

lines 62-67- col 2, lines 1-15, 51-57. He discloses also in supplying the custodial authorizing entity with account identification. See the abstract, col 3, lines 2-8. He also discloses in designating a payment category. See fig 1, col 3, lines 37-42, col 4, lines 5-8. He also discloses in generating signature for transactions. He also communicating the transaction code to merchant to consummate a purchase within defined purchase parameters utilizing transaction code. See col 6, lines 26-34, 41-42. He also discloses in generating a transaction ID. See col 7, lines 4-10. He also discloses in verifying purchase parameters within designated payment category. See col 3, lines 37-42, col 4, lines 5-8, col 6, lines 31-40, col 7, lines 8-10, 13. He also discloses in generating a transaction code reflecting at least designated payment category. See col 7, lines 4-13, col 8, lines 5-8. He discloses in obtaining purchase authorization so as to confirm that defined purchase parameters within designated payment category. See col 6, lines 20-21, col 10, lines 60-65. He also discloses in completing the purchase. See the abstract, col 3, lines 30-36.

As per claim 2, Elgamal discloses in purchase authorization from the custodial authorizing entity. See col 6, lines 20-21, col 10, lines 60-65.

As per claim 3, Elgamal discloses in a steps of communicating information of offered subject matter to the customer by the merchant, pre-determining the purchase parameters of the purchase, and corresponding to purchase parameters. See fig 1, fig 2, fig 3, fig 4, the abstract, col 3, lines 30-36, col 6, lines 20-21, col 12, lines 6, col 30, lines 19, 26-36, 45-49, 56-61.

Art Unit: 2764

As per claim 4, Elgamal discloses in merchant communicating the transaction code to the custodial authorizing entity for verification. See col 6, lines 37-40, col 7, lines 4-13, col 8, lines 1-4, col 14, lines 22-24.

As per claim 5, Elgamal discloses in generating a transaction ID which reflects at least the designated one of a plurality of payment categories. See col 7, lines 4-10, 52-65.

As per claim 6, Elgamal discloses in plurality categories to include amount parameters for a cost of purchase. See col 7, lines 34-37, 66, col 40, lines 14-15.

As per claim 7, Elgamal discloses in payment categories to include time parameters during the purchase the purchase can be completed. See the abstract, col 3, lines 30-36, col 30, lines 19, 26-36, 45-49, 56-61.

As per claim 8, Elgamal discloses in plurality of payment categories to include authorization for a transaction at a fixed amount for purchase within predetermined period of time. See col 30, lines 26-36, 45-49, 56-61.

As per claim 9, Elgamal discloses in plurality of payment categories to include authorization for a transaction at a maximum amount for purchase within predetermined period of time. See col 30, lines 26-36, 45-49, 56-61.

As per claim 10, Elgamal discloses in plurality of payment categories to include at least two of the purchase authorizations for multiple transactions at a total amount on a determined time period. See col 30, lines 26-36, 45-48, 56-61, col 37, lines 9-14.

Art Unit: 2764

As per claim 15, Elgamal discloses in generating a transaction ID which reflects an identification of the merchant. See col 7, lines 4-10, 23-25.

As per claim 18, Elgamal discloses in contacting a custodial authorizing entity having custodial responsibility of account of a customer's credit card account. See the abstract, fig 1, fig 2, col 1, lines 62-67- col 2, lines 1-15, 51-57. He discloses also in supplying the custodial authorizing entity with account identification. See the abstract, col 3, lines 2-8. He also discloses in designating a payment category. See fig 1, col 3, lines 37-42, col 4, lines 5-8. He also discloses in generating signature for transactions. See col 6, lines 26-34, 41-42. He also discloses in generating a transaction ID. See col 7, lines 4-10. He also discloses in verifying purchase parameters within designated payment category. See col 3, lines 37-42, col 4, lines 5-8, col 6, lines 31-40, col 7, lines 8-10, 13. He also communicating the transaction code to merchant to consummate a purchase within defined purchase parameters within defined purchase parameters. See col 6, lines 26-34, 41-42. He also discloses in generating a transaction code reflecting at least designated payment category. See col 7, lines 4-13, col 8, lines 5-8. He discloses in obtaining purchase authorization so as to confirm that defined purchase parameters within designated payment category. See col 6, lines 20-21, col 10, lines 60-65. He also discloses in completing the purchase. See the abstract, col 3, lines 30-36.

As per claim 19, Elgamal discloses in contacting a custodial authorizing entity having custodial responsibility of account of a customer's credit card account. See the abstract, fig 1, fig 2, col 1, lines 62-67- col 2, lines 1-15, 51-57. He discloses also in supplying the custodial authorizing

Art Unit: 2764

entity with account identification. See the abstract, col 3, lines 2-8. He also discloses in designating a payment category. See fig 1, col 3, lines 37-42, col 4, lines 5-8. He also discloses in defining a plurality of payment categories including at least authorization for a single transaction at a fixed amount for a purchase, authorization for a single transaction at a maximum amount for a purchase; and authorization for multiple transactions at a maximum amount for purchases; designated at least one of payment categories: generating a transaction code reflecting at least designated payment category and purchase authorization within designated payment category. See col 6, lines 26-34, 41-42. He also discloses in generating a transaction ID. See col 7, lines 4-10. He also discloses in verifying purchase parameters within designated payment category. See col 3, lines 37-42, col 4, lines 5-8, col 6, lines 31-40, col 7, lines 8-10, 13. He also communicating the transaction code to merchant to consummate a purchase within defined purchase parameters within defined purchase parameters. See col 6, lines 26-34, 41-42. He also discloses in generating a transaction code reflecting at least designated payment category. See col 7, lines 4-13, col 8, lines 5-8. He discloses in obtaining purchase authorization so as to confirm that defined purchase parameters within designated payment category. See col 6, lines 20-21, col 10, lines 60-65. He also discloses in completing the purchase. See the abstract, col 3, lines 30-36.

Art Unit: 2764

Allowable Subject Matter

5. Claims 12-14, 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2764

Response to Arguments

6. Applicant's arguments filed on 08/07/2000 have been fully considered but they are not deemed to be persuasive with respect to claims 1-19.

7. The applicant argues for claim 1 by saying , the applicant respectfully notes that despite similar terminology between the Elgamal reference and the present invention, certain features claimed by the Applicant are not actually suggested or disclosed by Elgamal. The Transaction ID referred to by Elgamal, however, refers to an authorization or tracking number that is generated by a merchant, and cannot be said to define a transaction code that is communicated to a merchant to actually consummates an order. Indeed, unlike the Applicant's system and it's transaction code, it is urged that a transaction may till be consummated using the Elgamal system even without a transaction ID, as the transaction ID merely identifies a current transaction.

The examiner disagrees. During examination that Elgamal, 5671279 disclose in a transaction code that is communicated to a merchant to actually consummates an order. See the abstract, col 6, lines 26-34, 41-42, col 7, lines 4-10, col 7, lines 4-13, col 8, lines 5-8. He discloses in obtaining purchase authorization so as to confirm that defined purchase parameters within designated payment category. See col 6, lines 20-21, col 10, lines 60-65. He also discloses in completing the purchase. See the abstract, col 3, lines 30-36.

Therefore, all dependent claims are rejected due to their dependency on the rejected base claims.

Art Unit: 2764

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mussie Tesfamariam** whose telephone number is **(703)305-1393**. The examiner can normally be reached on Monday - Friday from 8:00 a.m. to 5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the **examiner's supervisor, Jim Trammell** can be reached at **(703) 305-9768**.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703)308-9051, (for formal communications intended for entry)

Or:

(703)308-5357, (for informal or draft communications, please label

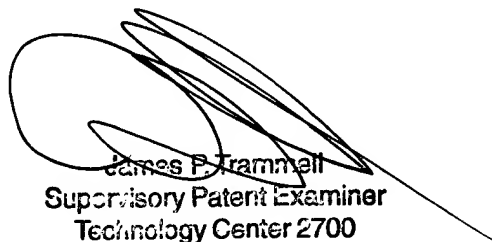
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to **Crystal park II, 2121 Crystal Drive**

Arlington, Virginia, (Receptionist).

Mussie Tesfamariam

October 23, 2000


James P. Trammell
Supervisory Patent Examiner
Technology Center 2700